

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

September 28, 2010

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chair Karen Cesare.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Harold “Hal” Epperson, Susan Schaefer Kliman, David Komm, Claudia Perchinelli, Howell “Chip” Shay, Erick Weiland, and John Willett. Absent: Laurie Woodall. Board Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** – Carl Sitterly, Land Surveyor #28742, addressed the Board regarding a letter he emailed to Board members.
4. **MINUTES**
  - A. Adopt the August 24, 2010 – Mr. Shay moved to adopt the August 24, 2010 minutes. Dr. Schaefer Kliman seconded. Ms. Goodwin advised of a revision requested by Assistant Attorney General Baskin. Said revision was accepted. Motion Carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

  - A. Proposed Dismissal
    1. M10-006, Vera Green, P.E. (Structural) #37959 – Ms. Perchinelli moved to dismiss the case. Mr. Shay seconded. After discussion, Motion Carried.
  - B. Proposed Letters of Concern
    1. M08-087, Vera Green, P.E. (Structural) #37959 – Dr. Schaefer Kliman recused herself, citing a conflict of interest. Ms. Perchinelli moved to issue Respondent a Letter of Concern regarding when submitting documents for review, each building should be a “stand alone” document that included a shear wall key plan, a derivation of the lateral loads, and how they were to be applied to the individual shear walls. Mr. Epperson seconded. After discussion, Motion Carried.
    2. M10-100, Guillermo L. Cortes, Land Surveyor #39692 – Mr. Epperson moved to issue Respondent a Letter of Concern regarding attaching his RLS number to monuments and recording his survey in the appropriate county recorder’s office in the required timeframe. Mr. Komm seconded. After discussion, Motion Carried.

5. Shannon, Stephanie, Architect Engineering Application #100433 – Mr. Komm moved to grant Ms. Shannon's request for a waiver of the FE examination and grant her registration. Mr. Shay seconded. After discussion, Motion Carried.

6. Nelson, Wayne, Architect Application #100927 – Dr. Schaefer Kliman moved to approve Mr. Nelson's application and grant him registration. Mr. Epperson seconded. After discussion, Motion Carried.

7. Jensen, Aaron, Landscape Architect Application #100614 – Ms. Cesare moved to approve Mr. Jensen's application and grant him registration. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

8. Kraft, Bradley, Civil Engineering Application #090174 – Mr. Kraft was present and addressed the Board. Mr. Willett moved to approve Mr. Grant's application and grant him registration. Mr. Komm seconded. After discussion, Motion Carried.

9. Hornung, Paul, Civil Engineering Application #100067 – Mr. Hornung was present and addressed the Board. Mr. Willett moved to approve Mr. Hornung's application and grant him registration. Mr. Komm seconded. After discussion, Motion Carried.

10. Oswald, Brooklyn Jon, Landscape Architect Application #100409 – Ms. Cesare moved to approve Mr. Oswald's application and grant him registration. Mr. Shay seconded. After discussion, Motion Carried.

11. Krauss, Sean, Engineer-in-Training Application #100131 – Mr. Krauss was present and addressed the Board. Mr. Shay moved to grant Mr. Krauss Engineer-in-Training designation. Mr. Epperson seconded. After discussion, Motion Carried.

12. Zappela, John, Land Surveyor Application #100294 – Mr. Zappela was present and addressed the Board. Mr. Epperson moved to approve Mr. Zappela's application and grant him registration. Mr. Willett seconded. After discussion, Motion Carried. Ms. Perchinelli voted Nay.

13. Brown, Derrick, Land Surveyor Application #100786 – Mr. Epperson moved to authorize Mr. Brown to take the NCEES Principles and Practices of Land Surveying and the Arizona State Specific Land Surveyor Examination and grant registration after he successfully passes them. Mr. Willett seconded. After discussion, Motion Carried.

## **9. LICENSING CONSENT AGENDA**

A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names available at the Board's office for public review):

1. Granting professional registrations, certifications or in-training designations

Based on these comments, Mr. Lane is against the changes and recommends the Board not adopt the new standards as written. He suggested a possible substantive policy statement can be written to clarify any confusion.

Mr. Epperson advised this is a change that was carefully considered by APLS, was voted by a majority of the members, and APLS believes this as a "best practice" solution.

Mr. Epperson moved that, when the moratorium is lifted, the Board forward the February 6, 2010 ABSMS to the Governor's Regulatory Review Council for review and comment. Dr. Schaefer Kliman seconded. After discussion, Motion Failed. (Aye: Epperson, Shay, Komm, and Willett; Nay: Perchinelli, Cesare, Weiland, and Schaefer Kliman.)

Jason Foos, Land Surveyor #43185 addressed the Board speaking against changes to the current adopted ABSMS. He presented the Board members with a handout Local Practices for Setting Subdivision Lot Corners, summarizing his research as "an abstract of county subdivision regulations" as posted on the internet by each of the counties. Each county deals with this issue which makes it a local practices issue.

Stan Dickey, Land Surveyor #25384, addressed the Board, giving his perspective of the changes as a small business owner. He believes there is no mechanism that allows a surveyor to take over a project if the original surveyor leaves the project other than re-recording the plat, which is a large expense. He believes the Board should vote to adopt the new minimum standards.

Mr. Dalrymple suggested that the Board forward the February 2010 ABSMS to the Attorney General's office with the request that it be reviewed in conjunction with A.A.C. R4-30-301(4) and (6) and request advice of what these two rules mean in the area of practice. The Board may need legal advice on how the rules interact with each other and how they work with the cities and counties.

Michael Fondren, Land Surveyor #35113, addressed the Board advising he stands by his comments made to the L&R Committee, while this isn't a perfect fix, he believes they need to move forward and get this issue resolved as the land surveyors are being asked to violate the current minimum standards with subdivision plats.

Dr. Schaefer Kliman moved to refer this matter back to the Legislation and Rules Committee for discussion at the December 2, 2010 meeting and determine if a Substantive Policy Statement should be provided or if the Committee believes this should go to the Attorney General's office as Mr. Dalrymple suggested. Mr. Epperson seconded. Motion Carried.

Board, and the Department of Insurance. It may cost the Board a little bit more time and money but, maybe save us some problems down the road. It is estimated at this point in time the cost for the new computer system will be approximately \$494,000.00. The good news is the Board has the funds in the reserve account, which will pay for the entire project. The problem will be getting the Legislature to approve a supplement to the appropriation allowing the Board to spend the money on the project.

Legislature:

The Board is preparing the final draft of the proposed legislative changes relating to the Meth Laboratory program and investigator re-classification. It is just about ready to be sent to the legislative council soon. You will be sent a copy of the packet as soon as it is finalized and we'll let you know what happens with it.

The Board did receive an acknowledgement from the Governor's Regulatory Review Council that they had received the Board's request for an exemption to the Rule moratorium, which was sent August 4<sup>th</sup>, and the Board should have a response for us in the near future.

13. **BOARD CHAIR'S REPORT** – Ms. Cesare thanked and praised the Board members for their support during her time as Chair; advising it has been a pleasure and honor to chair the Board, she has been impressed by the hard work of the Staff and dedication of the Board members, and she looks forward to assisting Mr. Shay in his new position.

14. **STANDING COMMITTEE REPORT**

A. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised the Committee met August 24, 2010 after the Board meeting. In addition to the February 2010 ABSMS the committee discussed possible changes to the application forms regarding the "reference" section. She asked that this item be placed on the next Board Agenda for further discussion and possible vote.

She also advised the ADOT bridge project has been placed on the December 2, 2010 L&R Agenda for further discussion.

B. Budget Committee – Mr. Dalrymple advised he is waiting for the final results of the first quarter renewals to determine if the Board's revenue is holding steady. It appears some there may be a slight decrease but he believes it may be due to some registrants waiting to renew until the expiration date. He won't know for sure until after the Arizona Financial Information System closes on October 7, 2010. He will send a message to the Board members.

C. Home Inspector Rules and Standards Committee ("HIRS") – Mr. Shay advised the next meeting is scheduled for September 29, 2010 and he will provide an update at the October 25, 2010, Board meeting.

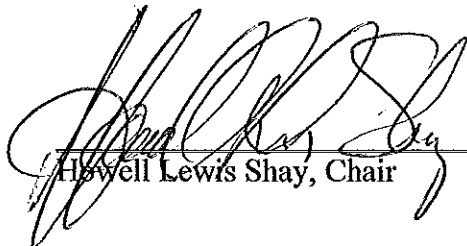
D. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland advised there is nothing new to report. The next meeting is in November and he will be in attendance and reporting at the December meeting.

**16. FUTURE BOARD MEETINGS** – Tuesday, October 26, 2010 at 9:30 AM.

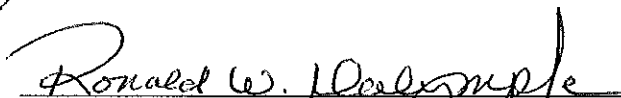
**17. FUTURE AGENDA ITEMS** – None at this time.

**18. ADJOURNMENT** – Meeting adjourned at 11:11 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Howell Lewis Shay, Chair



Ronald W. Dalrymple, Executive Director